

Applicants: Robert E. Canfield, et al.  
Serial No.: 09/404,076  
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REMARKS

Claims 4, 27, 29, 31 and 43-46 are allowed in this application. Applicants have hereinabove amended claims 35, 38, 40 and 48, and have canceled claims 32, 34, 39 and 47 without prejudice or disclaimer to applicants' right to pursue the subject matter of these claims in a future application. The amendments to claims 35 and 48 are merely to remove dependency on non-rejoined claims. The amendment to claim 40 is to conform the claim with allowed composition of matter claims. The amendment to claim 38 is to conform the claim with allowed composition of matter claims and to clarify the subject matter being claimed. Support for the amendments to claim 38 can be found in the specification as originally filed at page 12, line 33 to page 13, line 13; and in Figure 7. Applicants submit that this Amendment raises no issue of new matter. After entry of this Amendment, claims 4, 27, 29, 31, 35-38, 40-46, and 48 will be pending, with claims 4, 27, 29, 31 and 43-46 allowed.

In the March 15, 2005 Office Communication, the Examiner stated that claims 32-37 and 48 are not rejoined with allowed claim 4 because of potential 35 U.S.C. §112 first paragraph rejections necessitated by the examination of monoclonal antibodies B503, B504 and B509 without the recitation of ATCC deposit numbers or the deposit rules being satisfied.

In response, without conceding the correctness of the Examiner's position, applicants have hereinabove canceled claims 32 and 34 without prejudice. Applicants note that claim 33 has previously been canceled without prejudice. In

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• addition, applicants have amended dependent claims 35 and 48 to depend solely on allowed claims.

The Examiner stated that claim 47 would not be rejoined because it is a product claim not part of the originally elected group and that cancellation of this claim is required.

In response, without conceding the correctness of the Examiner's position, applicants have hereinabove canceled claim 47 without prejudice

The Examiner stated that claims 38-42 are not being rejoined with allowed claim 4 because the scope of base claim 38 is broader in scope than allowed product claim 4.

In response, without conceding the correctness of the Examiner's position, applicants have hereinabove amended claim 38 to incorporate the characteristics of the allowed product claim as well as the elements of claim 39. Applicants note that claim 42 depends indirectly on claim 38.

Accordingly, in light of the amendments made hereinabove, applicants respectfully request that the Examiner allow the remaining pending claims.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorneys invite the Examiner to telephone them at the number provided below.


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No fee is deemed necessary in connection with the filing of this Amendment. However, if any fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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<p>I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450</p> <p> 4/13/01 Alan J. Morrison Reg. No. 37,399</p> <p>Date</p>
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